

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

GARY K. THOMAS,)
Petitioner,)
v.) 1:07-cr-84
) 1:09-cv-305
) *Jordan*
UNITED STATES OF AMERICA,)
Respondent.)

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED** as time-barred and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this court hereby **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

ENTER:

s/ Leon Jordan
United States District Judge

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt

CLERK OF COURT